

ABOUT THE *NATIONAL ENVIRONMENTAL POLICY ACT*

The *National Environmental Policy Act* (NEPA) (42 United States Code [U.S.C.] §4321 *et seq.*) was enacted to ensure that federal decision makers consider the effects of proposed actions on the human environment and to lay their decisionmaking process open for public scrutiny. NEPA also created the President's Council on Environmental Quality (CEQ). The U.S. Department of Energy's (DOE's) NEPA regulations (10 Code of Federal Regulations [CFR] 1021) augment the CEQ regulations (40 CFR 1500 through 1508).

Under NEPA, an environmental impact statement (EIS) documents a federal agency's analysis of the environmental consequences that might be caused by major federal actions, defined as those proposed actions that may result in a significant impact to the environment. An EIS also:

- Explains the purpose and need for the agency to take action.
- Describes the proposed action and the reasonable alternative courses of action that the agency could take to meet the need.
- Describes what would happen if the proposed action were not implemented—the “No Action” (or status quo) Alternative.
- Describes what aspects of the human environment would be affected if the proposed action or any alternative were implemented.
- Analyzes the changes, or impacts, to the environment that would be expected to take place if the proposed action or an alternative were implemented, compared to the expected condition of the environment if no action were taken.

The DOE EIS process follows these steps:

- The Notice of Intent, published in the *Federal Register*, identifies potential EIS issues and alternatives and asks for public comment on the scope of the analysis.
- The public scoping period, with at least one public meeting, during which public comments on the scope of the document are collected and considered.
- The issuance of a draft EIS for public review and comment (for a minimum of 45 days), with at least one public hearing.
- The preparation and issuance of the final EIS, which incorporates the results of the public comment period on the draft EIS.
- Preparation and issuance of a Record of Decision, which states:
 - The decision.
 - The alternatives that were considered in the EIS and the environmentally preferable alternative.
 - All decision factors, such as cost and technical considerations, that were considered by the agency along with environmental consequences.
 - Mitigation measures designed to reduce adverse environmental impacts.
- Preparation of a Mitigation Action Plan, as appropriate, which explains how the mitigation measures will be implemented and monitored.